

Some of the protocols for sending calls via internet, including the most reliable of these, use intermediary machines only during discovery of the end points. Thereafter the calls are routed directly from caller to callee without persistent routes. It is possible to force persistent routing, but at the cost of probable connection loss and low performance, since the ability to route around slow or busy network links is suppressed.

Thus the model for voice over IP is directly source to destination and back, also directly. There is nowhere this can be tapped save at source or destination machines in general. Perhaps the last router pointing at one end of a connection could be tapped, but cost and complexity of doing this is huge if it is possible at all. (We have many routers at the bank where I work (in information security) and most have no common media (sniffable lines) without special port hardware. For every leaf router to have such hardware would mean a substantial part - order of magnitude 10-20% - of the router capacity would be tied up in an expensive sniffer port.

I as a customer of ISPs would not like to see my choice of providers cut due to these costs, nor would I enjoy large price increases to fund such.

It is vital for you to realize there is no central point through which traffic all passes as in old style voice; the technology is highly distributed.

Moreover, there are enough open source implementations of VoIP, some of them including crypto, that if government tapping becomes a rule, many citizens, with or without illegalities to hide, can be expected to migrate to higher privacy methods which will not be tappable. Better the FBI and others remember that when the Republic was founded, a conversation out in back of the barn would not be observable by the police, and that the Constitution was not devised to simplify police work. It is not in there that the government has any just expectation of being able to listen in to conversations, and when doing so would deny people the right to communicate reliably or greatly increase the cost burden to the people of communicating, the government must find other ways to do its surveillance. The FBI well knows that alternatives exist. They might require sending someone out to point a laser at a window, install an RF microphone, or tap a computer, but to a degree the slight difficulty of doing this is a shield to the public against the temptation to watch political opponents or the unfashionable, as has happened many times in the past.

Please do not rule that VoIP should be treated the same under CALEA as old style circuit switched voice. Technically doing so is wrong, burdensome to communications, and unjustified by need or the basic law of the land.
Thank you.